

STATE OF INDIANA
MARION COUNTY, ss:

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION

Cause No: 49

STATE OF INDIANA)
)
 vs.)
)

INFORMATION

COUNT I

**IMPERSONATION OF A PUBLIC
SERVANT**

**I.C. 35-44.1-2-6(a) and I.C. 35-44.1-2-6(b)
(1)**

A LEVEL 6 FELONY

COUNT II

RESISTING LAW ENFORCEMENT

I.C. 35-44.1-3-1(a)(1)

A CLASS A MISDEMEANOR

COUNT III

**OPERATING A VEHICLE WHILE
INTOXICATED**

I.C. 9-30-5-2(a)

A CLASS C MISDEMEANOR

DANIEL PATRICK FORESTAL W/Male
[REDACTED]

On this date, the undersigned Deputy Prosecuting Attorney of the Nineteenth Judicial Circuit, being duly sworn on his/her oath (or having affirmed), says that in Marion County, Indiana

COUNT I

On or about August 11, 2019, DANIEL PATRICK FORESTAL did falsely represent that he was a law enforcement officer and did so with the intent to deceive James McGuire and/or Sheila Fennell;

COUNT II

On or about August 11, 2019, DANIEL PATRICK FORESTAL did knowingly forcibly resist, obstruct or interfere with MATTHEW SCOTT HARRIS, a law enforcement officer, while said officer was lawfully engaged in his duties as a law enforcement officer;

COUNT III

On or about August 11, 2019, at or near , DANIEL PATRICK FORESTAL did operate a vehicle while intoxicated;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

August 14, 2019
Date

TERRY R. CURRY
Marion County Prosecutor
19th Judicial Circuit

/s/ Cathy McCallum

Deputy Prosecuting Attorney

State's Witnesses:
MATTHEW SCOTT HARRIS IMPD
GREGORY SHUE IMPD
Cindy Patton
James McGuire
Sheila Fennell

Report #: IP190087956 Supp#: 001 Agency Name: Indianapolis Metro Police**Area: Metro East District****Date/Time Printed: 08/11/2019 14:58**

STATE OF INDIANA, COUNTY OF MARION, SS:

PROBABLE CAUSE AFFIDAVIT

Defendant Name: Daniel Patrick Forestal

Arresting Officer / ID: Matthew Harris/41939

On Saturday August 10, 2019 approximately 11:44pm Officers with the Indianapolis Metropolitan Police Department (IMPD) were dispatched to the intersection of E 21st St and N Shadeland Ave to investigate the report of a male impersonating a police officer. Dispatch informed the responding officers that a male complainant, identified to be James McGuire, was behind the suspect vehicle and that the male inside the vehicle had reportedly falsely identified himself as a police officer to Mr. McGuire. Dispatch informed the officers that the suspect vehicle was a red Mercury bearing IN license plate [REDACTED] A. Officer Gregory Shue was near the parking lot of the Roadway Inn located at 69 [REDACTED] E 21st St when he spotted a vehicle matching the suspect description. Officer Shue confirmed the license plate on the vehicle was in fact [REDACTED] and informed IMPD Communications that he was behind the vehicle and requested more officers to assist. Officer Shue initiated a stop on the vehicle as the vehicle attempted to exit the west side of the Roadway Inn parking lot.

As Officer Shue approached the vehicle, he observed a W/M later identified to be Daniel Forestal [REDACTED] sitting in the driver's seat of the vehicle. Mr. Forestal was the sole occupant of the vehicle. The driver's window of the vehicle was down and Officer Shue gave loud, clear verbal commands for Mr. Forestal to show his hands. Officer Shue was unaware if Mr. Forestal was armed due to the fact that he had allegedly been impersonating a police officer. Mr. Forestal initially placed his hands in the air but as Officer Shue got closer to the driver's side window, Mr. Forestal quickly dropped his hands near his lap/waistband area. Officer Shue knew through his training and experience as a police officer that the waistband is a common place for individuals to conceal firearms. Officer Shue again instructed Mr. Forestal to place his hands up but Mr. Forestal did not comply. Officer Shue opened the driver's door of the vehicle and attempted to pull Mr. Forestal from the vehicle. As Officer Shue attempted to gain control of Mr. Forestal, Mr. Forestal grabbed the steering wheel of the vehicle with both hands to make it more difficult for Officer Shue to remove him from the vehicle. After a very brief struggle, Officer Shue and Officer Andrew Hibshman were able to gain control of Mr. Forestal, place him on his stomach and place him in handcuffs.

Once Mr. Forestal was in handcuffs he stated several times to all officers on the scene that he was going to sue them for "violating (his) civil rights". Mr. Forestal also identified himself as an Indianapolis firefighter, a state representative and the nephew of the Marion County Sheriff. Officers on scene found Mr. Forestal to be in possession of an Indianapolis Fire Department badge with a silver chain. Mr. Forestal stated that due to his position in public safety and as a state representative, he would "have" all of the officers badges. Officer Shue noticed the strong odor of an alcoholic beverage coming from Mr. Forestal's breath as he was speaking.

Officer Amanda Clark drove to meet Mr. McGuire at his residence and spoke with him and his wife, Sheila Fennell, regarding the circumstances of their 911 call. Ms. Fennell and Mr. McGuire stated they were outside of their residence when they were approached by Mr. Forestal in his vehicle. Mr. Forestal told Ms. Fennell and Mr. McGuire "I'm a legit officer doing a drug bust and today is the last day before the Feds descend and start kicking in doors". Ms. Fennell stated Mr. Forestal asked her to tell him where the "people selling drugs" lived and showed her a badge with a silver chain. Officer Clark also went to the Blue Moon Tavern located at 71 [REDACTED] E Washington St where Mr. Forestal had reportedly been earlier in the evening. Officer Clark spoke to the bartender, Ms. Cindy Patton, who stated Mr. Forestal had been inside the bar area harassing customers throughout the night. Ms. Patton stated Mr. Forestal was telling patrons he was a firefighter and asking them where he could purchase "party favors" such as cocaine.

Officer Harris, a DUI Task Force Officer, was already on scene at 69 [REDACTED] E 21st St and agreed to complete a DUI investigation of Mr. Forestal due to Officer Shue detecting the odor of alcohol. Officer Harris approached

Mr. Forestal and assisted him to a standing position. Officer Harris spoke to Mr. Forestal and also noticed the strong odor of an alcoholic beverage coming from Mr. Forestal's breath and that Mr. Forestal's eyes appeared red/glossy. Officer Harris observed Mr. Forestal to be slightly swaying back and forth as he was standing and appeared to be struggling with his balance. Officer Harris read Mr. Forestal his Miranda Rights off of Officer Harris' IMPD issued Miranda Card and requested Mr. Forestal complete SFST exams. Mr. Forestal refused and stated he was not going to speak or comply with any investigation until he spoke to a lawyer. Officer Harris read Mr. Forestal Indiana Implied Consent off of Officer Harris' IMPD issued Implied Consent Card and again Mr. Forestal stated he would not comply with any investigation until he spoke with a lawyer and refused a chemical test.

Mr. Forestal had a small cut to his elbow from where he was placed on the ground by Officers Shue and Hibshman. Mr. Forestal requested an ambulance and IEMS Medic 11 responded. Mr. Forestal insisted on being transported to the hospital by ambulance to have his elbow evaluated. Medic 11 transported Mr. Forestal to Eskenazi Hospital and Officer Harris arrived at the hospital shortly thereafter to complete a blood draw. Officer Harris submitted an electronic blood draw warrant for 2 grey tops of Mr. Forestal's blood and the warrant was granted by Judge John Boyce. As Officer Harris and Eskenazi Staff approached Mr. Forestal to serve the warrant, Mr. Forestal attempted to rip the warrant out of Officer Harris' hand. Mr. Forestal had to be placed in extra restraints by MCSO staff in order for the nurse to complete the blood draw. RN B. Fullbright drew 2 grey top tubes of blood from Mr. Forestal's right antecubital space at 0117 hours. Officer Harris secured the blood as evidence. Officer Harris transferred all custody of Mr. Forestal over to the MCSO staff at Eskenazi Holding.

Officer Harris transported the blood evidence to the IMPD property room and entered it in for toxicology and ETOH analysis. Officer Harris also entered the IFD badge located on scene into evidence. The Mercury was towed by wrecker to Auto Return. All events Marion County, City of Indianapolis, State of Indiana.

I swear (affirm) under penalty of perjury as specified by IC 35-44.1-2-1, that the foregoing representations are true.

/s/ Matthew Harris

Law Enforcement Officer